

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:09-cr-00039-W**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**MICHAEL GREENE,**

**Defendant.**

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**ORDER**

THIS MATTER is before the Court on Defendant's Motion for Additional Testing of Evidence (Doc. No. 549). For the reasons stated in open Court following the hearing on February 9, 2011, the Motion is DENIED. During that hearing, the Court found as a matter of fact that Jennifer Lindley provided credible testimony as to the substance identified in Government's Exhibit 28(a). Defendant has made no showing whatsoever to impeach Lindley's credibility, nor does Defendant present any legal reason to support re-testing the evidence. Defendant's mere statements and bare assertions that the substance was not cocaine are immaterial, particularly when the jury had the opportunity to consider the credibility of Lindley's testimony that the substance contained cocaine and found the Defendant was involved in a drug trafficking conspiracy. Furthermore, on at least two occasions during the February 9, 2011 hearing, Defendant requested the substance be re-tested. The Court denied Defendant's motion both times. This third request, like the other two, woefully fails to provide sufficient reason to grant the relief requested by Defendant.

IT IS THEREFORE ORDERED that Defendant's Motion for Additional Testing is DENIED.

Signed: February 16, 2011



Frank D. Whitney  
United States District Judge

